

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RODRIQUEZ HARRIS,)	
)	
Plaintiff,)	
)	Case No. 4:18-CV-02072 HEA
v.)	
)	
BRETT HAYS, et al.,)	
)	
Defendants.)	

**CONSENT MOTION TO AMEND CASE MANAGEMENT ORDER AND TO ADOPT
JOINT PROPOSED AMENDED SCHEDULING PLAN**

The parties submit this Consent Motion to Amend Case Management Order and to Adopt Joint Proposed Amended Scheduling Plan to the Court for its consideration.

A. After conferring via email, the parties all agree that assignment to Track 5B: Prisoner Standard is not appropriate because Plaintiff was not self-represented at the time the complaint in this matter was filed. Pursuant to Local Rule 16-5.01, the parties request that this Court assign this matter to Track 3, the complex case management track. Due to the parties involved, the variety of claims alleged, and current stage of the case, the parties believe that the case will not be concluded within 24 months. As such, this Joint Proposed Scheduling Plan contemplates deadlines consistent with a Track 3 assignment.

B. Date for joinder of additional parties or amendment of pleadings: **January 27, 2020** [13 months after the date of filing, December 27, 2018].

C. The Discovery Plan:

1. The parties do not currently anticipate any issues surrounding Electronically Stored Information (ESI). To the extent the parties reach a disagreement

regarding the handling of said information, they jointly agree that such a dispute shall be reported to the Court no later than **January 31, 2020**.

2. Although the parties do not currently have any agreement for asserting claims of privilege, neither party waives any assertion of privilege going forward.
3. Date on which the parties will disclose information and exchange documents pursuant to Federal Rule of Civil Procedure 26(a)(1): **January 31, 2020**.
4. Discovery should not be conducted in phases or limited to certain issues.
5. Plaintiff shall disclose its expert witness or witnesses' identities and reports by **May 1, 2020**, and make the expert or experts available for deposition within **thirty (30)** days thereafter. Defendant shall disclose its expert witness or witnesses' identities and reports by **June 26, 2020**, and make the expert or experts available for deposition within **thirty (30)** days thereafter.
6. The presumptive limits set for depositions and interrogatories as set forth in the Federal Rules of Civil Procedure are appropriate.
7. No physical or mental examinations of the parties will be requested.
8. Discovery will be completed by **August 31, 2020**.
9. *Daubert* motions will be filed by **September 25, 2020** [21 months after the date of filing, December 27, 2018].
10. The parties believe that referral to mediation would be helpful and believe that this case should be referred to mediation by **March 30, 2020**.
11. The deadline for filing any dispositive motion shall be **October 2, 2020**.

12. The earliest date by which this case should reasonably be expected to be ready for trial is **January 11, 2021** [approx.. 24 months after the date of filing, December 27, 2018].

13. An estimate of the length of time expected to try the case to verdict: **5 courtroom days**.

D. The parties believe that a protective order will be appropriate to protect the parties' confidential information and anticipate presenting a protective order for the Court's approval.

E. The parties request that the Court's scheduling order give them the authority to mutually agree to changes of any of the deadlines set forth in the scheduling order provided such changes do not alter the Court's trial setting.

WHEREFORE, the parties respectfully request that the Court GRANT their Consent Motion to Amend Case Management Order and to Adopt Joint Proposed Amended Scheduling Plan; enter its Order Amending the Case Management Order in this case to the dates set forth herein; and for such other and further relief as is necessary and proper.

Respectfully submitted,

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Certificate of Service

I hereby certify that on this 14th day of November, a true and correct copy of the foregoing was electronically filed with the Clerk of this Court using the CM/ECF filing system and that copies of the same were served on all counsel of record by the CM/ECF filing system.

/s/ John W. Taylor
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